

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.672 OF 2005

Union of India & Ors.

....Petitioners

Versus

Shri M. G. Padwal

....Respondent

Mr.Suresh Kumar for the Petitioners.

Mr.S. V. Marne for the Respondent.

CORAM : DALVEER BHANDARI, C.J. &

S.J. VAZIFDAR, J.

DATE : 24TH JUNE, 2005.

P.C. :

This Petition has been preferred by the Union of India against the order passed by the Central Administrative Tribunal, Bombay Bench, Mumbai. In paragraph 13 of the order, the Tribunal did not find any fault in the enquiry proceedings. The Tribunal merely observed that the disciplinary authority imposed the punishment of removal from service on the Respondent under the advice of the vigilance department. The Tribunal further observed that the Tribunal is not interfering with the charges proved against the Respondent

but the Tribunal remitted back the matter to the disciplinary authority to reconsider this aspect after applying independent mind regarding imposing of punishment.

2. The order passed by the Tribunal is in consonance with the statutory provision of law. The disciplinary authority rightly reconsidered the aspect after applying independent mind. We find no infirmity in the impugned order. The Petition being devoid of any merit is accordingly dismissed.

3. At this stage, the learned counsel appearing for the Petitioner submits that the disciplinary authority be directed to comply with the directions given by the Central Administrative Tribunal within a period of two months. Two months time as prayed is granted. The disciplinary authority may decide the matter *de novo* within a period of two months. This Writ Petition is accordingly disposed of.

CHIEF JUSTICE

S.J. VAZIFDAR, J.